IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH POUSHA 1928

WP(C).No. 536 of 2007(L)

PETITIONER:

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1. CIJIN LONAPPAN KAPPANI
S/O LONAPPAN,
KAPPANI HOUSE
BEHIND FORANE CHURCH, CHALAKUDY
THRISSUR DISTRICT.

2. SHIBI CIJIN
W/O CIJIN LONAPPAN CAPPANI
KAPPANI HOUSE
BEHIND FORANE CHURCH, CHALAKUDY
THRISSUR DISTRICT.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENTS:

THE SUB REGISTRAR
CHALAKUDY
THRISSUR DISTRICT

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-1-2007, THE COURT ON 04/01/2007 DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.536 OF 2007

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Dated this the 4th day of January 2007

JUDGMENT

Prayer in the writ petition is for a direction to respondents to register marriage under the Special Marriage Act. Since petitioners are already married in church and have got a child and since Division Bench of this court has held that notice period can be waived in appropriate cases, I feel petitioners' are entitled to registration of marriage after dispensing with notice period because they are married under the customary rites and have got a child. In the circumstances, writ petition is disposed of directing the respondent to register marriage and issue certificate to the petitioner on or before 6th of this month on petitioners producing their marriage certificate issued by church and birth certificate of their child and on their complying with all the formalities such as filing proper application, remittance of fee etc.

C.N.RAMACHANDRAN NAIR, JUDGE

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